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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/664,369 | 09/17/2003 | Mario Jovelino Del Nunzio | C4243(C) | 4574 |

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UNILEVER
PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

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| EXAMINER |
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DOUYON, LORNA M

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| ART UNIT | PAPER NUMBER |
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1751

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------------|---|
| Office Action Summary | Application No. 10/664,369 | Applicant(s) DEL NUNZIO ET AL. | |
| | Examiner Lorna M. Douyon | Art Unit 1751 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

Abstract

1. The abstract of the disclosure is objected to because it does not end with a period.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 2, the addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite, see *Ex parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955). See also MPEP 2173.05(b)(e). It is suggested that the word "type" be deleted.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dovey et al. (WO 00/34422), hereinafter "Dovey".

Dovey teaches a laundry detergent compositions comprising an effervescence granule (see page 5, lines 1-4), comprising an acid source at a level of from 0.1% to 99%, most preferably from 15% to 50% by weight of the total granule, a carbon dioxide source at a level of from 0.1% to 99%, more preferably from 45% to 85% by weight of the total granule (see page 8, lines 18-24). Dovey also teaches that the effervescent granules may optionally comprise a binder such as anionic surfactants such as C6-C20 alkyl or alkylaryl sulphates (see page 10, line 27 to page 11, line 1). In Particles VI, Dovey teaches effervescence granules comprising citric acid, carbonate and 10 wt% AS (alkyl sulphate). The process for manufacturing the effervescent granules comprises first obtaining the acid source by grinding larger size particles, mixing the obtained acid source with the carbon dioxide source, and optionally mixing a binder to form a mixture, then submitting the mixture to a granulation step (see page 12, lines 4-14). Dovey, however, fails to disclose a laundry detergent composition comprising solid surfactant particles and their particle sizes.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the binder such as alkyl sulphates to be present in the effervescent granules as solid surfactant particles having a particle size as those recited considering the process in which the effervescence granules are prepared as discussed above.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spadoni et al. (WO 98/46716), hereinafter "Spadoni".

Spadoni teaches dry effervescent granules comprising an acid, carbonate source and optionally a binder and granular compositions containing the effervescent granules which is used for cleaning fabrics (see abstract; page 1, first paragraph), the acid is present at a level from 0.1% to 99%, preferably from 3 to 75% by weight of the total granule (see page 7, lines 7-10), the carbonate is present at a level from 0.1% to 99%, preferably from 45% to 85% by weight of the total granule (see page 7, 2nd line from last to page 8, line 2), and the binder is present at a level up to 50%, preferably up to 20% by weight of a binder such as anionic surfactants like C6-C20 alkyl or alkylaryl sulphates (see page 8, last paragraph). The diameter sizes of the dry effervescent granules are preferably from 0.001 mm to 7 mm, preferably less than 2 mm (see page 8, lines 9-10). Spadoni also teaches a process of manufacturing the dry effervescent granules which comprises the steps of first mixing the acid, the carbonate source and optionally the binder together to obtain a mixture, the submitting the mixture to a pressure agglomeration step to obtain agglomerated mixture and finally submitting the agglomerated mixture to a granulation step (see page 4, lines 14-21). Spadoni, however, fails to disclose a laundry detergent composition comprising solid surfactant particles and their particle sizes.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the binder such as alkyl sulphates to be present in the effervescent granules as solid surfactant particles having a particle size as those recited considering the process in which the effervescence granules are prepared as discussed above.

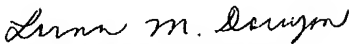
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LORNA M. DOUYON
PRIMARY EXAMINER